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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 002452

SIPDIS

FOR NEA/ELA AND DRL/NESCA
NSC FOR PASCUAL

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TAGS: PHUM PGOV KDEM EG
SUBJECT: JOURNALISTS FACE TRIAL FOR VIOLATING GAG ORDER ON
POLITICALLY SENSITIVE CASE

REF: CAIRO 2027

Classified By: ECPO Mincouns William R. Stewart for reason 1.4 (d).

¶1. (C) Summary and comment: Two editors and three journalists from independent newspapers are expected to go on trial December 4 for violating a November 16 gag order on publishing details of the current public court case against regime insider Hisham Talaat Mustafa for allegedly ordering the murder of his former girlfriend, Lebanese pop singer Suzanne Tamim (reftel). One of the journalists' defense attorneys predicted to us that the GOE would achieve its aim of preventing any additional reporting on the Tamim case, although he viewed the government's gag order as lacking any legal merit. Contacts believe that the GOE is enforcing the gag order to prevent public discussion of embarrassing aspects of the relationship between Mustafa and the government, including alleged corrupt business practices. The GOE is sensitive about its relationship with Mustafa, and likely wants to forestall public speculation about politically damaging details of the case, particularly whether Mustafa used funds from a corrupt, government-facilitated land deal to pay for Tamim's murder. End summary and comment.

¶2. (C) On November 16, the presiding judge in the high-profile murder trial of industrialist Hisham Talaat Mustafa issued a gag order preventing any publication of the trial's details. On November 20, independent newspapers "Al-Masry Al-Youm" and "Al-Wafd" published articles on witness testimony from the Mustafa trial, which is open to the public, in defiance of the ban. The two papers' chief editors as well as three journalists from their publications now face a trial for violating the gag order. Lawyers also submitted complaints to the public prosecutor against three pro-government papers for violating the ban by reporting on the case in their November 20 editions, but a district attorney decided November 26 to dismiss the charges. Mustafa -- a construction magnate, member of parliament, National Democratic Party heavyweight and confidante of presidential son Gamal Mubarak-- allegedly paid a security official at the Sharm-el-Sheikh Four Seasons hotel to kill Lebanese pop singer Suzanne Tamim in Dubai on July 28. Mustafa is a part-owner of the Sharm Four Seasons hotel.

¶3. (C) Hafez Abu Seada, Secretary-General of the Egyptian Organization for Human Rights, who is one the independent journalists' lawyers, told us November 30 that he expects the case to continue for 3-4 months, and that "in the end, the government will get what it wants, meaning there will be no additional reporting on the Tamim case." Abu Seada described his legal strategy as trying to prove that the gag order has no basis in Egyptian law, which allows for a press ban only in order to maintain public order or safeguard "public morality." Abu Seada stressed that the Tamim case gag order does not fulfill either legal requirement, and is only a

political tool to prevent the circulation of information about Mustafa that is embarrassing to the GOE. He characterized the case as "a very sensitive topic" for the GOE because of Mustafa's close ties to the regime. Abu Seada expected the court eventually to impose a fine against the journalists to send a "strong message" that the GOE will not tolerate reporting on the Tamim case.

¶4. (C) Sayed Abdel Hafez of the human rights NGO "The Multaqa Forum" opined that the GOE is trying to pre-empt public discussion of the Tamim case that could lead to a broader debate about the government's relationship with Mustafa. He speculated that the GOE fears such a public debate could ignite shrill press and opposition criticism of the GOE for corrupt dealings with Mustafa, and would represent a "political threat" to the GOE. He reasoned that the charges against the journalists for violating the press ban are not serious enough to justify eventual fines or prison terms, and that the government's aim is to extend the trial of the journalists until the Tamim case is completed and the public's attention is focused elsewhere.

¶5. (C) Cairo University Political Science Professor Abdel-Monem Al-Mashat agreed that the government's motive in bringing the case against the independent journalists is to prevent a public airing of details regarding Mustafa's business and political dealing that could be embarrassing to the GOE. Al-Mashat cited business contracts and a questionable land deal concluded with the government as sensitive topics that the government wants to prevent journalists from "digging into." He opined that by originally allowing the Tamim trial to proceed, the GOE

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wanted to demonstrate that it would not protect a "corrupt" NDP member, but now the GOE believes it needs to insulate itself from potentially damaging information that could be aired as a result of the case. He described the case as part of a wider GOE effort to clamp down on the independent press in the run-up to the 2010 parliamentary elections, and to deter future press reporting on similarly sensitive issues.

¶6. (C) Human rights attorney Negad Al-Borai decried the government's move to try the journalists, and told us that he feared the court would order a steep fine. He opined that by bringing charges against two papers, instead of one, the government is signaling its seriousness about the case. Al-Borai criticized the government's decision to charge the independent papers, but not the pro-government publications, as "illogical" from a legal perspective. He speculated that the trial would be drawn-out and would lead to eventual appeals. Engi Haddad of the Afro-Egyptian Organization for Human Rights stressed to us that the Tamim case is highly sensitive for the GOE, and noted that the only time the government pulled copies of the independent newspaper "Al-Dostour" from the street was when the paper referred to the case, though not by name, this past summer before charges were brought against Mustafa.

¶7. (C) Comment: The government is clearly worried about public discussion of its relationship with Mustafa, a formerly influential NDP MP and businessman who maintained close ties with Gamal Mubarak. GOE fears of public interest in the case's lurid details and the alleged corrupt business dealings between Mustafa and the government have apparently led the court to enforce the gag order by trying the independent journalists. The complaint submitted against three pro-government papers for their articles on the Tamim case was probably a warning that they should stop reporting on the case if they want to avoid a trial. It was perhaps a November 20 reference in independent "Al-Masry Al-Youm" to the prosecution's subpoena of Mustafa's accountant that sparked the court to take action against the journalists. Some anti-corruption activists believe that Mustafa may have used funds from a corrupt land deal with the government to pay for Tamim's murder. The GOE would have a strong interest

in pre-empting any politically damaging public speculation on this point.

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